



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 23, 1998

Mr. Michael Bostic
Assistant City Attorney
City of Dallas-Municipal Building
2014 N. Main
Dallas, Texas 75202

OR98-2834

Dear Mr. Bostic:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 119789.

The City of Dallas Police Department (the "department") received a request for "complete reports," which you represent to be a request for "information pertaining to sexual assaults occurring throughout Dallas, Texas." In response to the request, you submit to this office for review a representative sample of the information at issue.¹ You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception and arguments you have raised and reviewed the submitted information.

Section 552.101 excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses both constitutional and common-law privacy and excepts from disclosure private facts about an individual. *Industrial Foundation v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Under common-law privacy, information may be withheld from the public when (1) it is highly intimate and embarrassing such that its release would be highly objectionable to a person of ordinary sensibilities, and (2) there is no legitimate public interest in its disclosure. *Id.* at 685; Open Records Decision No. 611 at 1(1992). The constitutional right to privacy protects the interests in

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(1) independence in making certain important decisions related to the "zones of privacy" recognized by the United States Supreme Court; and (2) avoiding disclosure of personal matters. Open Records Decision No. 600 at 4 (1992) (citing *Ramie v. City of Hedwig Village*, 765 F.2d 490 (5th Cir. 1985), *cert. denied*, 474 U.S. 1062 (1986)); *see* Open Records Decision No. 455 at 5-7 (1987) (citing *Fadjo v. Coon*, 633 F.2d 1172, 1176 (5th Cir. 1981)).

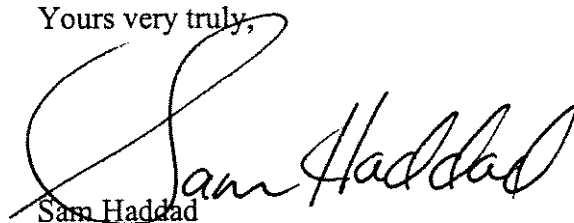
In the past, this office has concluded that information that identifies or tends to identify a victim of a serious sexual assault may be withheld from required public disclosure under section 552.101. Open Records Decision Nos. 628 (1994), 393 (1983), 339 (1982). We have stated:

Although there is certainly a strong public interest in knowing that a crime has been committed, we do not believe that such interest requires the disclosure of the names of victims [of serious sexual assaults]. Furthermore, certain other information, such as the location of the crime, might furnish a basis for identification of the victim.

Open Records Decision No. 339 at 3 (1982) ("detailed description of an incident of aggravated sexual abuse raises an issue of common-law privacy"). Therefore, we agree that the department must withhold all information which identifies or tends to identify a victim of a serious sexual assault, including but not limited to, the victim's names, social security and driver's license numbers, and locations of the sexual assaults to the extent that the location "might furnish a basis for identification of the victim." However, the department may not withhold any other information, such as dates and descriptions of the reported offenses and incident numbers, which does not serve to identify the victims of the sexual assaults.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad", is written over a horizontal line.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/mjc

Ref.: ID# 119789

Enclosures: Submitted documents

cc: Ms. Nancy Hannah
750 St. Paul No. 1680
Dallas, Texas 75201
(w/o enclosures)